

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

VIOLET ANNAMARIE SNOOK,

Plaintiff,

-vs-

Case No. 6:21-cv-519-GKS-GJK

KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,

Defendant.

REPORT AND RECOMMENDATION

This cause came on for consideration, without oral argument, on the following motion:

**MOTION: UNOPPOSED MOTION FOR ENTRY OF
JUDGMENT WITH REMAND (Doc. No. 28)**

FILED: August 11, 2021

**THEREON it is RECOMMENDED that the motion be
GRANTED.**

**MOTION: DEFENDANT’S OPPOSED MOTION
PURSUANT TO FED. R. CIV. P. 12(B)(1) TO
DISMISS PLAINTIFF’S COMPLAINT IN PART
AND DEFENDANT’S UNOPPOSED MOTION
FOR AN EXTENSION OF TIME WITHIN
WHICH TO ANSWER AND FILE THE
CERTIFIED ADMINISTRATIVE RECORD (Doc.
No. 14)**

FILED: May 26, 2021

**THEREON it is RECOMMENDED that the motion be
DENIED as MOOT.**

On May 26, 2021 the Acting Commissioner of Social Security (the “Commissioner”) filed an opposed Motion to Dismiss Plaintiff’s Complaint in Part (hereafter “Motion to Dismiss”). Doc. No. 14. On August 11, 2021, the Commissioner filed an unopposed Motion for Entry of Judgment With Remand (hereafter “Motion to Remand”) requesting that the decision of the Commissioner be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for the Administrative Law Judge to render a new decision, and to “evaluate Plaintiff’s claims, including the issue of medical improvement.” Doc. No. 28. The Motion is unopposed. *Id* at 1.

Based on the foregoing, it is **RECOMMENDED** that the Court:

1. **GRANT** the Motion to Remand (Doc. No. 28);
2. **DENY** the Motion to Dismiss as Moot (Doc. No. 14); and
3. **REVERSE** and **REMAND** the case to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g); and
4. Direct the Clerk to enter a separate judgment in favor of Plaintiff and to close the case.

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen (14) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal. **If the parties have no objection to this report and recommendation they may promptly file a joint notice of no objection.**

RECOMMENDED in Orlando, Florida on September 1, 2021.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies to:
Presiding District Judge
Counsel of record
Unrepresented parties